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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,889	05/29/2001	Jyoji Wada	33623	5308
116	7590	11/03/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,889

Applicant(s)

WADA ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/29/01.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 22041027.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Election/Restriction.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-7 in the reply by telephone on 10/26/04 is acknowledged.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kivolowitz, US 5,881,321.**

In regard to claim 1, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus (see figure 1, element 10 and see column 3, lines 16-18: The camera records a

scene or area so it is interpreted as a surveillance camera) comprising storage means formed of a rewritable memory (see figure 3, element 44), which records operation history the surveillance camera (see column 5, lines 59-64). The Kivolowitz reference does not disclose that the rewritable memory is a non-volatile memory.

Official Notice is taken that it is well known in the art to use a rewriteable nonvolatile memory to store image data and image information in order to preserve the data when the power to the memory is turned off. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure to have Kivolowitz, US 5,881,321, to have a rewritable nonvolatile memory in order to preserve image data while saving power.

In regard to claim 2, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim wherein storage means records number preset operations the operation history (see column 5, lines 59-64).

In regard to claim 3, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1, wherein the storage means records times of automatic panning operations as operation history (see column 5, lines 14-17 and 32-37: The times of all camera movements including panning are saved with the position).

In regard to claim 6, Kivolowitz US 5,881,321, discloses a surveillance camera apparatus according to claim 1, wherein the storage means records a number of coordinate system resetting operations for resetting coordinate data of the camera the camera as the operation history (see column 5, lines 4-16).

In regard to claim 7, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1, wherein the temperature and other environmental factors may be stored with other operating parameters because they may have an affect on the measurements (see column 4, lines 13-16). It is inherent the storage means records a maximum temperature and a minimum temperature within the apparatus history because the maximum and minimum temperatures will be included in the multiple temperatures stored.

In regard to claim 4, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1. The Kivolowitz reference discloses a time code generator that stores the time code in the latch circuit (see column 4, lines 24-26). The Kivolowitz reference does not disclose wherein the storage means records turn-on times of a power supply as the operation history.

Official Notice is taken that it is well known and old in the art to record the time when the power supply is turned on and to continue the record the time in order to have an accurate time associated with the video of a camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the latch circuit of the Kivolowitz reference to store the time code when the power is turned on and continue the store the time in order to maintain an accurate time associated with the images captured by the camera.

In regard to claim 5, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1. The Kivolowitz reference does not disclose that the

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storage means records a number of operations for changing a filter of the camera as the operation history.

Official Notice to taken that it is well known and old in the art the store a number of operations for changing a filter in a camera with multiple filters in order to move the appropriate filter into place according to what light the camera is recording in to create a higher quality image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the Kivolowitz reference to have multiple filters depending on what light the camera is recording in and storing a number of operations for changing the filters in order to create higher quality images.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses surveillance cameras with operation histories:

US 6,529,234,

US 6,803,946.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


TUAN HO
PRIMARY EXAMINER

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, drawn to a surveillance camera apparatus, classified in class 348, subclass 143.
 - II. Claims 8-11, drawn to a method of recording operation history in a memory of a recording device, classified in class 702, subclass 187.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions surveillance camera and method of storing operation history into a memory of a recording device are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the steps of the method can be applied to any type of video camera. The subcombination has separate utility such as a method of storing operation history into a memory of any type of video camera.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with attorney Jeffery Sopko on 10/26/04 a provisional election was made without traverse to prosecute the invention of group I, claims 1-7.

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Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-11 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


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PRIMARY EXAMINER